

### **Remarks**

Claims 1 – 11 and 26 - 35 are pending. Claims 1, 26 and 28 are hereby cancelled. Claims 2 – 5, 7 – 9, 27, 29 and 31 – 33 are hereby amended. Claims 6, 10, 11, 30, 34 and 35 remain as previously presented. No claims are added.

In reviewing the previous response submitted by applicant's attorney, it appears that the version of the document showing mark-ups rather than the final document was used to create the PDF file. The attorney for applicants apologizes for any confusion caused by this error. A replacement PDF of the previously filed response, based on the final form of the document not showing markups, is submitted as Attachment A hereto. The above amendments are made starting from the claims as shown in Attachment A.

In the Office Action, claims 5, 6, 29 and 30 were indicated to be allowable. Claims 5 and 29 have been rewritten as independent claims but are otherwise unchanged. Claims 2 - 4 and 7 - 9 have been amended to depend from claim 5. Claims 27 and 30 - 33 have been amended to depend from claim 29.

This leaves claims 10, 11, 34 and 35 as still subject to rejection over Foster in view of Paul or Greatbatch. These rejections are respectfully traversed. Claims 10 and 34 both specifically require that the timing information sent from the IMD is stimulation timing information and that the MRI is synchronized responsive to receipt of the stimulation timing information. Greatbatch and Paul do show that some IMDs have the capability to transmit timing information related to stimulation. This much is not disputed. However, neither reference discloses that such timing information can be received by the MRI or used by the MRI to synchronize the timing of the application of electromagnetic energy as required by the claims. Figure 5 of Forster is apparently relied upon to teach this aspect of the invention. However, as noted in the previous response, Figure 5 shows the response of the IMD to optical signals received from the MRI unit by

the IMD. There is no disclosure of the MRI unit applying radiation synchronized responsive to receipt of timing information transmitted from the IMD. Because this teaching is missing from all cited references, it is respectfully asserted that their combination cannot render claims 10, 11, 34 or 35 obvious under Section 103. The desired result of imaging the heart in successive substantially common states during each of the applications of electromagnetic radiation is also not disclosed, so modifying the cited references to accomplish this result as per the claims is believed to be unobvious.

Withdrawal of the rejections of claims 10, 11, 34 and 35 is respectfully requested.

### **Conclusion**

Entry of the present amendment and reconsideration of the rejections of claims 5 is respectfully requested. The Examiner is invited to contact the undersigned with any questions regarding this application.

The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

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